

**Delaware Harness Racing Commission**  
**Rules Committee Meeting**  
**June 4, 2019 at 10:00 A.M.**

Delaware Department of Agriculture – Conference Room 1

In Attendance:

Mark Davis, Executive Director	Beth Steele, DHRC Chairman
Andrew Kerber, DAG	George Staats, Commissioner

Dover Downs Sr. Director of Racing John Hensley, Harrington Raceway General Manager Jim Boese, Harrington Raceway Asst. GM Matt Sparacino, DSOA Executive Director Sal DiMario, DSBF Executive Administrator Judy Davis-Wilson, DHRC Presiding Judge Brian Manges, and John Campbell – USTA.

*Minutes: Donna Krol*

**CALL TO ORDER**

At 10:10 a.m. Chairman Steele called the rules committee meeting to order and welcomed all in attendance.

**Minutes**

Minutes from the 3-5-19 Rules meeting were reviewed. Chairman Steele entertained a motion to approve the minutes. Minutes were approved by Sal DiMario and seconded by John Hensley. Motion passed with unanimous voice vote.

**Discussion Items:**

1. **Outrider at Delaware Harness Tracks Dover Downs and Harrington Raceway update:**

Sarah Knight worked one night at Harrington. She is green but very willing to work. There were issues with her horse not being able to keep up. Feedback from horseman was negative. Sal DiMario and Karen Craft had a conversation regarding the Outriders (Sarah) performance. Will Reynolds may be willing to work with her. Sal DiMario will see if Will is willing to come back and work with Sarah. Another option is to help Sarah find an appropriate horse to work with. Mark Davis noted that it may be inadequate to properly assess Sarah's performance based on one night. Sal DiMario agreed. Beth Steele will call Randy Ridgely and see if he has any capable horses available. Updates will follow.

2. **Review USTA Bylaw changes adopted by USTA Board of Directors at the 2019 Annual Meeting:**

**USTA 2019 RULE CHANGES**

The following rule and bylaw changes were adopted by the USTA Board of Directors at the 2019 Annual Meeting. These rules go into effect on May 1, 2019. Newly adopted rules or amendments appear in **bold**, deletions are struck out.

1. **\$4.60 Extended Break.** —An extended break shall be defined as a horse that is not on its proper gait for 25 consecutive strides or more **after the start of the race** .

ADOPTED by DHRC, motion made by Mark Davis seconded by Jim Boese. Motion passed with unanimous voice vote.

2. **\$5.08 (d)(6) Paddock Rules** - Any person or persons approved by the presiding judge and track member **who is/are industry recognized media** or is a guest of an owner competing that day.

NO MOTION - DHRC already has in place.

3. §Rule 11.01 Persons Eligible to Claim. - Any current active member of the USTA and/or other individual **who is properly licensed to claim by the state racing authority having primary jurisdiction over the race meeting may make a claim for any horse subject to claim at such a licensed race meeting. Any current active member of the USTA may make a claim for any horse subject to claim at a race meeting under the jurisdiction of the USTA.** An authorized agent may claim for a person qualified to claim in his or her own right, but only for the account of that person for whom he or she is agent.

**NO MOTION – DHRC will not adopt.**

4. §Rule 14.06 Entry Box. - The track member shall provide a locked box with an aperture **facilitate a secured process** through which entries shall be deposited **may be received.** The presiding judge shall be responsible for the entry process.

**NO MOTION - DHRC already has in place.**

5. §Rule 16.02 Scoring of Horses/Coming to Starting Gate. —All horses must parade in order in front of the grandstand unless excused by the judges. Drivers must keep feet in stirrups or any foot supports from the formation of the post parade until after passing the grandstand. During or before the parade the drivers must be informed as to when to approach the gate. The horses shall be brought to the starting gate no nearer than one-eighth-**quarter** of a mile before the start as the racetrack will permit. On mile tracks, horses will be brought to the starting gate at the head of the stretch.

**NO MOTION - DHRC already has in place.**

§Rule 16.03 Speed of Gate. - **The starter shall cause the gate to move toward the starting point, gradually increasing the speed of the gate to maximum speed. When the speed has been reached in the course of a start, there shall be no decrease except in the case of a recall.** ~~Allowing sufficient time so that the speed of the gate can be increased gradually the following minimum speeds will be maintained.~~

~~(a) For the first 1/8 mile, not less than 11 miles per hour.~~

~~(b) For the next 1/16 of a mile not less than 18 miles per hour.~~

~~(c) From that point to the starting point, the speed will be gradually increased to the maximum speed.~~

~~(d) When the speed has been reached in the course of a start there shall be no decrease except in the case of a recall.~~

**ADOPTED by DHRC, motion made by Mark Davis seconded by Sal DiMario. Motion passed with unanimous voice vote.**

6. **§16.04 Charging the Gate.**—Subject to the age, experience and post position of the horse and the condition of the racetrack, during extended pari-mutuel meetings, each horse in the first tier shall approach the starting gate reasonably in concert with the other horses in the field and shall be on the gate at the start. If the judges deem that a driver has intentionally laid off the gate and then charged it near the start in order to gain an advantage at the start, the driver shall be fined or suspended or both. *See DHRC Rule 7.6.6.6*

**ADOPTED by DHRC, motion made by Sal DiMario seconded by George Staats. Motion passed with unanimous voice vote.**

7. §Rule 16.08 Violations of the Starting Rule. - A fine or suspension from driving may be applied to any driver by the starter **and/or judges** for:

(a) Delaying the start.

(b) Failing to obey the starter's instruction.

(c) Rushing ahead of the inside or outside wing of the gate.

(d) Coming to the starting gate out of position.

(e) Crossing over before reaching the starting point.

(f) Interfering with another driver during the start.

(g) Failing to come up into position.

(h) After coming to the gate, failing to keep one line in each hand until the word "go," except for the purpose of adjusting equipment.

A hearing must be granted or waived before any penalty is imposed. **A fine or suspension as a result of any of the above may be increased based upon the advertised purse amount, or if the violation is deemed to have been committed in order to aid another horse with common ownership or a common trainer.**

**ADOPTED by DHRC, motion made by Sal DiMario seconded by Matt Sparacino. Motion passed with unanimous voice vote.**

~~8. §Rule 16.10 Holding Horses Before Start. — Horses may be held on the backstretch not to exceed 2 minutes awaiting post time except when delayed by an emergency.~~

9. §Rule 16.11 Starting Two Tiers of Horses. - **At extended pari-mutuel meetings**, in the event there are two tiers of horses the withdrawing of a horse that has drawn or earned a position in the front tier shall not affect the position of the horses that have drawn or earned positions in the second tier.

Whenever a horse is withdrawn from either any tier, horses on the outside move in to fill up the vacancy. When a horse has drawn a post position in the second tier the driver of such horse may elect to score out behind any horse in the first tier so long as he does not thereby interfere with another trailing horse or deprive another trailing horse of a drawn position. **In a race with a single trailer, the driver may select any position in the second tier. In a race with multiple trailers, the driver of the first horse in the second tier may elect to score out behind the first or second horse in the first tier. The horse drawing the second post in the second tier shall score behind the third or fourth horse in the first tier. The horse drawing the third post in the second tier shall score behind the fifth or sixth horse. Any horse drawing a post position outside those already referenced shall be placed in a consistent manner behind the appropriate horses from the first tier. If there are more trailers than designated post positions in the second tier as described above, the judges shall determine proper starting positions for the second tier horses.**

Applies DOVER DOWNS ONLY

**ADOPTED by DHRC, motion made by John Hensley, seconded by Sal DiMario. Motion passed with unanimous voice vote.**

10. §Rule 18.01 Driving Violations.— Although a leading horse is entitled to any part of the racetrack **At extended pari-mutuel tracks, a leading horse is not to be more than four feet from the inside rail/pylons** except after selecting his position in the home stretch. Neither the driver of the first horse nor any other driver in the race shall do any of the following things, any of which shall be considered a violation of the driving rules:

*DHRC Judges: No Placing, Fine only. Must be explained at DOVER 2019-2020 Meet , 1<sup>st</sup> time Warning*

**ADOPTED by DHRC, motion made by Mark Davis, seconded by George Staats. Motion passed with unanimous voice vote.**

(a) Change either to the right or left during any part of the race when another horse is so near him that in altering his position he compels the horse behind him to shorten his stride, or causes the driver of such other horse to pull him out of his stride.

(b) Strike, hook wheels or **physically** interfere with another horse or driver, **or otherwise drive in a careless manner or fail to maintain reasonable control of the horse at all times during the race. For any violation that results in contact with another horse, driver or bike, the driver may shall receive a minimum driving suspension and /or fine. of three days.**

**ADOPTED by DHRC, motion made by Mark Davis, seconded by John Hensley. Motion passed with unanimous voice vote.**

(c) Cross sharply in front of a horse or cross over in front of a field of horses in a reckless manner endangering other drivers.

(d) Swerve in and out or pull up quickly, **unless such action is taken for the safety or welfare of the horse or driver.**

(e) Crowd a horse or driver by “putting a wheel under him.”

(f) Carry a horse out.

(g) **Slow** down in front of a horse or take up abruptly in front of other horses so as to cause confusion or interference among trailing horses.

(h) Let a horse pass inside needlessly or otherwise help another horse to improve **its position in the race by opening up a hole without then promptly pulling to re-pass the horse, unless the failure to re-pass is necessitated by safety reasons.**

(i) Commit any act which shall impede the progress of another horse or cause him to break.

(j) Change course after selecting a position in the home stretch or swerve in and out or bear in and out in such a manner as to interfere with another horse or cause him to change course or take back.

**NO MOTION - DHRC already has in place**

**(k) Kicking shall be defined as a blow or thrust with the foot against any part of the horse's body or to impel by striking with the foot at any time on the racetrack, including before, during or after the race. *DHRC will adopt definition of Kicking only.***

**ADOPTED by DHRC, motion made by Mark Davis, seconded by John Hensley. Motion passed with unanimous voice vote.**

**Removal of a foot from the stirrups or any foot supports in and of itself shall not constitute the offense of kicking. The penalty for kicking as defined herein shall not be less than nine days suspension.**

**NO MOTION - DHRC already has in place**

**(l) Foot Out of Stirrup.— It shall be considered a violation if a driver makes any contact with the horse while both feet are in or out of the stirrups or any foot supports. A driver shall be allowed to remove a foot from the stirrups or any foot supports temporarily for the purpose of pulling earplugs or to adjust equipment. (Delete/move from 18.08)**

**(m) Cross the inside limits of the course.**

**(n) Fail to make a reasonable effort to advance when pulling to the outside.**

**NO MOTION - DHRC already has in place**

**(o) Turn the horse abruptly after the finish line of the race in order to return to the paddock or barn area.**

**ADOPTED by DHRC, motion made by Beth Steele, seconded by George Staats. Motion passed with unanimous voice vote.**

**If a violation of Rule 18 occurs during an extended pari-mutuel meeting and results in a suspension from driving, the suspension must be served by the driver during that meeting unless the appeal process carries beyond the end of the meeting, in which event the suspension must be served during the same time of year that a subsequent pari-mutuel meeting is being conducted at that race track.**

**NO MOTION - DHRC already has in place**

**11. §Rule 18.09 Whip Regulations/Prohibitions. – Drivers will be allowed **only black** whips not to exceed four (4) feet, plus a snapper not longer than six (6) inches.**

**NO MOTION - DHRC already has in place**

**12. §Rule 18.13 Horse Breaking from Gait. - When a horse breaks from its programmed gait, the driver shall at once, where clearance exists, take such horse to the inside or outside and pull it to its gait. The following shall be considered violations:**

**(a) Failure to properly attempt to pull the horse to its gait.**

**(b) Failure to take to the outside where clearance exists.**

**(c) Failure to continuously lose ground while offstride.**

**NO MOTION - DHRC already has in place**

**(d) Committing an extended break, in which the horse may be placed last.**

***DHRC will add some form of this that fits DHRC Regs. This was voted on prior 1. 4.60 Extended Breaks.***

**If there has been no violation of (a), (b), (c) or (d) above, the horse shall not be set back unless a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish. However, notwithstanding the foregoing, if interference caused by another driver or horse has caused the horse to be on a break at the finish, the judges may, in their discretion, determine not to set the horse back even if a contending horse on its gait is lapped on the hind quarter of the breaking horse at the finish. The judges may set any horse back one or more places if, in their judgment, any of the above violations has been committed and the driver may be subject to a fine or suspension or both.**

**NO MOTION - DHRC already has in place**

**§Rule 18.14 deleted and combined with §Rule 18.13.**

**13. §Rule 18.21 Use of Wheel Discs, Mud Fenders and Mud Aprons. - It shall be the responsibility of the owner, trainer or driver to provide every sulky used in a race with solid one-color or colorless wheel discs on the inside and outside of the wheel. In his or her discretion, the presiding judge may order the use of mud guards **properly affixed mud fenders****

**and mud aprons at extended pari-mutuel tracks. Safety Issue, DHRC will adopt with Effective Date. If fenders are on , apron must be on as well.**

**ADOPTED by DHRC, motion made by Beth Steele, seconded by Jim Boese. Motion passed with unanimous voice vote.**

14. §Rule 17.02 Mandatory Licensing of Trainers. - No person shall be programmed as the trainer of a horse **in any race of a track member** without having first obtained an active membership including a trainer's license.

**NO MOTION – Not applicable**

15. §Rule 9.07 Horses 15 years of Age or Older. - No horse that is 15 years of age or older is eligible to perform in any race except matinees, county fair races, or races exclusively for amateur or club drivers as sanctioned by USTA, **or non-betting racing under saddle events** and no electronic eligibility shall be issued for such a horse except for a performance in such races.

**NO MOTION – Not applicable**

16. §Rule 19.04 Age and Gait of Horse. - No horse under the age of three (3) and no older than fourteen (14) years of age shall be eligible to start, **except in the case of non-betting events as per Rule 9.07**. Racing Under Saddle races shall be restricted to the trotting gait. **Racing Under Saddle Races may be raced on the**

**NO MOTION – Not applicable**

3. **Proposed amendment to DHRC Rule 10.2.9.2** (DHRC ruling notice requirement)

10.2.9.2 An appeal under this section must be filed with the Presiding Judge not later than 48 hours after the ~~publishing~~ receipt of the ruling. The appeal must be accompanied by a deposit in the amount of \$400, or an amount as determined by the Commission from time to time, plus an amount to be determined from time to time by the Commission for the cost of the court reporter's fee's and attendance plus the costs for providing notice of the appeal. In no event shall the deposit for the appeal be refunded.

**Beth Steele made a motion to accept the rule change as noted. Motion was carried by John Hensley and seconded by Matt Sparacino. Motion passed with unanimous voice vote. Rule change will go before the Commission Meeting.**

4. **Discussion concerning human drug testing (prescription notification policy and/or rule)**

Mark Davis would prefer to discuss this at a Rules Meeting where Vice-Chairman Patt Wagner is present. Mark Davis and Sale DiMario agree that the way we do this process now may not be the best way. Mark Davis and Andrew Kerber will discuss further.

**Public Comment:**

Rules Committee Meetings are considered Public Meetings and will follow the same guidelines as public meetings including: agenda posted on State Calendar, minutes taken during the meeting, approved at the next Rules Meeting and posted on State Calendar.

John Campbell thanked all who participated in this meeting.

**CLOSE OF MEETING:**

With no further business to discuss Chairman Steele made a motion to adjourn. Motion was carried by Sal DiMario and seconded by George Staats. Motion passed with unanimous voice vote.

Meeting was adjourned at 11.55 a.m.

***Next Rules Committee Meeting is scheduled for June 4, 2019.***